

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:05-CR-163

v.

HON. ROBERT HOLMES BELL

DAMOND DSHAN BEAN,

Defendant.

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MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #1015). Based on a review of Defendant's motion, the Sentence Modification Report, submissions by counsel, and the original criminal file, the Court has determined that the motion should be denied as follows:

Defendant was sentenced on Count 1 of a Fourth Superseding Information charging Conspiracy to Distribute and Possession with Intent to Distribute 50 Grams or More of Cocaine Base, 5 Kilograms or More of Cocaine, 1 Kilogram or More of Heroin, and 100 Kilograms or More of Marijuana in violation of 21 U.S.C. §§846, 841(1)(1), and (b)(1)(A). Defendant was sentenced as a career offender within the meaning of U.S.S.G. § 4B1.1(a). In addition, cocaine base was not used in the computations to determine the base offense level. As such, defendant is ineligible for a reduction in sentence.

Accordingly,

Defendant's Motion for Modification or Reduction of Sentence (docket #1015) is

DENIED.

Dated: August 2, 2011

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE